

FACT SHEET

The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for administering and enforcing laws that establish minimally acceptable standards for wages and working conditions in this country. Collectively, these laws cover most private, state, and local government employment throughout the United States and its territories. WHD has over 200 district, field, and area offices across the country with trained personnel available to assist workers. Many states also have similar labor law protections. Employers must comply with both federal and state laws. WHD is committed to ensuring that workers in this country are paid properly and for all the hours they work, regardless of immigration status.

WHD ADMINISTERS AND ENFORCES THE FOLLOWING LAWS:

- **The Fair Labor Standards Act**—This law requires:
 - ♦ **Payment of Federal Minimum Wage:** Employers must pay most employees the federal minimum wage, currently \$7.25, for all hours worked;
 - ♦ **Payment of Overtime:** Overtime pay must be at a rate of one and one-half times the regular rate of pay for all hours worked over 40 in a workweek;
 - ♦ **Recordkeeping:** Employers must keep employee time & payroll records;
 - ♦ **Payment of All Hours Worked:** Hours worked generally include all the time during which an employee is required to be on duty, or on the employer's premises, or at any prescribed place of work;
 - ♦ **And it Regulates the Employment of Minors.**
- **The Family and Medical Leave Act**—in general, covered employers must grant eligible employees up to a total of 12 workweeks of job-protected, unpaid leave during any 12-month period for one or more qualifying reasons;
- **The Migrant and Seasonal Agricultural Worker Protection Act**—protects migrant and seasonal agricultural workers by establishing employment standards related to wages, housing, transportation, disclosures, and recordkeeping;
- **The Davis-Bacon and Related Acts**—apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. The contractors or subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area;
- **The McNamara-O'Hara Service Contract Act**—requires contractors and subcontractors performing services under prime contracts in excess of \$2,500 to pay service employees in various classes no less than the wage rates and fringe benefits found prevailing

in the locality, or the rates (including prospective increases) contained in a predecessor contractor's collective bargaining agreement. This Act applies only to contracts for services awarded by the federal or District of Columbia governments.

WHD HELPS WORKERS BY:

- Recovering back wages due for payment of minimum wage and overtime and ensuring that workers get paid properly for all hours actually worked;
- Establishing and enforcing standards for employing minors;
- Providing and enforcing job protection for time taken for the birth of a child or caring for sick family members;
- Providing and enforcing housing and transportation standards for farm workers;
- Establishing and enforcing payment of prevailing wage rates for federally funded construction and service contract work;
- Establishing and enforcing standards for hiring and paying workers temporarily in the U.S.

If workers have questions or concerns, they can contact WHD at 1-866-487-9243 or visit www.wagehour.dol.gov. The information below is useful to file a complaint with WHD:

- The employee's name
- The employee's address & phone number
- The name of the company where the employee works(ed)
- Location of the company
- Phone number of the company
- Manager's or owner's name
- Type of work the employee did
- How and when the employee was paid (i.e. cash or check, every Friday)

All services are free and confidential. An employer cannot terminate an employee or in any other manner discriminate against an employee for filing a complaint with WHD.



U.S. Department of Labor



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www.wagehour.dol.gov